

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.36379 of 2014.
Decided on:-August 05, 2015.

Sumeet Mahajan.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Ashok Sehgal, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. L.M. Gulati, Advocate
for the complainant.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in case FIR No.349 dated 19.9.2014 under Section 498-A IPC, Police Station A-Division, Amritsar.

On the basis of complaint addressed to the Police Commissioner, Amritsar by complainant Shikha Mahajan, the aforesaid FIR was registered against her husband i.e. the petitioner and his other family members. The marriage of the complainant was solemnised with the

petitioner on 6.8.2008 and at the time of marriage, the parents of the complainant had given sufficient dowry and handed over the dowry items to the accused. After the marriage, the complainant started living with her husband at her in-laws house No.2528, Sector 22-C, Chandigarh. However, after some time of the marriage, accused started taunting the complainant that her parents had given less dowry and whatever the dowry was given, was of inferior quality and it has lowered down their reputation in eyes of their Biradari. The complainant was asked to bring one Innova car and Rs.5 lacs in cash from her parents. However, the complainant had pleaded that her parents are poor and cannot fulfil such like demands. In October, 2008, she was given beatings and turned out of the matrimonial home. She narrated the whole story to her parents. On 29.5.2009, one male child Riyas was born to the complainant at her parents' house and the whole expenses of delivery were incurred by her parents.

In the aforesaid FIR, the petitioner had sought anticipatory bail before the Additional Sessions Judge, Amritsar. However, the same was declined vide order dated 13.10.2014. Thereafter, the petitioner had filed the instant petition before this Court under Section 438 Cr.P.C.

On 24.10.2014, this Court while recording the inclination of the petitioner to rehabilitate the wife had passed the following order:

“Present:- Mr. Ashok Sehgal, Advocate, for the petitioner.

Counsel contends that the petitioner-husband married the complainant on 06.08.2008 and a male child was

*born in May, 2009. The married couple lived separately from the parents initially at Zirakpur and thereafter at Mohali. The separation between the couple was in July, 2014 and the allegation is that on 06.08.2014, he had gone to Amritsar and beaten his wife. Reliance is placed upon judgment of the Supreme Court in **Arnesh Kumar vs. State of Bihar and another, 2014 (3) RCR (Crl.) 527**. Accordingly, it is submitted that the petitioner is willing to rehabilitate the wife and the matter can be resolved by sending the case to the Mediation and Conciliation Center. Notice of motion for 27.11.2014. In the meanwhile, it is directed that the petitioner shall join investigation and in the event of arrest of petitioner, he shall be released on bail by the arresting officer, subject to the conditions laid down in Section 438(2) Cr.P.C.”*

In view of the aforesaid order, the matter was referred to the Mediation and Conciliation Centre of this Court and, in fact, some compromise was reduced into writing on 9.3.2015 but the same was not seriously acted upon.

This Court on May 07, 2015 while taking into consideration the future of the minor child had recorded the assertion of the petitioner that he is ready to admit the child in a school at Amritsar and bear all expenses of his education, such as admission fee and other allied expenses. The case was adjourned to 28.7.2015.

On 28.7.2015, there was a written request for adjournment on behalf of the petitioner. Accordingly, the case was adjourned to 29.7.2015 and then on the joint request of the counsel for the parties, the case was

again adjourned for today i.e. 5.8.2015.

Today, the parties have come present in the Court and duly identified by their respective counsel but they are not honouring the settlement dated 9.3.2015 in its true spirit.

Accordingly, the present petition was taken for hearing for its decision on the basis of merits.

Learned counsel for the petitioner contends that during pendency of the case, apart from Section 498-A IPC, Section 406 IPC has also been added but there is no supplementary material before this Court to deal with offence under Section 406 IPC. Be that as it may, in the present petition this Court is confined to FIR No.349 dated 19.9.2014 under Section 498-A IPC.

Learned counsel for the petitioner contends that the petitioner is innocent and a false case has been thrashed upon him, as the allegations of demand of dowry under Section 498-A IPC have been levelled just to harass him. He further submits that after the settlement dated 9.3.2015 so arrived at before the Mediation and Conciliation Centre of this Court, when the parents of the petitioner visited the complainant's house, they were misbehaved.

On the other hand, learned counsel for the complainant states that apart from the fact that the petitioner has demanded dowry from the complainant, he has given beatings to her and there are various occasions when complainant was given beatings.

I have considered the rival contentions of learned counsel for

the parties and have perused the documents available on record.

Admittedly, the marriage was solemnised on 6.8.2008 and the complainant has made serious allegations against the husband and his family members. There are specific allegations against the petitioner regarding entrustment of dowry articles. The beating is aimed at to demand more dowry.

Taking into consideration the fact that the petitioner is husband and the main accused and the allegations levelled in the FIR are specific in nature wherein apart from demanding cash, he has also demanded an Innova car, the concession of anticipatory bail cannot be extended to the petitioner.

Accordingly, the present petition, being devoid of any merit, is dismissed.

It is made clear that the observations made hereinabove shall not be construed as reflection of any opinion on the merits of the main case and the trial Court shall decide the case on the basis of availability of evidence.

August 05, 2015
'Yag Dutt'

(HARI PAL VERMA)
JUDGE